

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-4 were pending in this application when last examined and stand rejected.

Claims 1-4 are amended in a non-narrowing manner to address formal matters. Support can be found in the disclosure, and in original claims 1-4. Minor editorial revisions have been made to the claims to better conform to U.S. claim form and practice. Such revisions are non-substantive and not intended to narrow the scope of protection. Such revisions include: replacing the "characterized by" language with "wherein"; revising the beginning of the claims to recite "A" or "The" and revising the claim language to provide proper antecedent basis throughout the claims; removing redundant language and drawing reference numerals.

No new matter has been added by the above claim amendments.

Attached is revised substitute specification. The specification has been revised to correct inadvertent grammatical and typographical errors and to include appropriate section headings to better conform to US practice. No new matter has been added.

Applicants note that the above claim amendments are intended to address matters of form only as they are not intended to affect the scope of the claims. Accordingly, if the next Office Action on the merits includes a new rejection of one or more claims, the Action must be non-final.

Applicants are submitting the present Amendment without prejudice to the subsequent prosecution of claims to some or all of the subject matter which might be disclaimed by virtue of this response (although none is believed to be), and explicitly reserve the right to pursue some or all of such subject matter, in Divisional or Continuation Applications.

Applicants thank the Examiner for the careful examination of this case and respectfully request reexamination and reconsideration of the case, as amended. Below Applicants address the rejections in the Office Action and explain why the rejections are not applicable to the pending claims as amended.

II. OBJECTIONS TO THE ABSTRACT, DRAWINGS AND SPECIFICATION

The specification was objected for containing minor grammatical and typographical errors. The attached revised substitute specification corrects these errors.

The Abstract was objected to for including legal terminology, such as "comprises". See page 2 of the Office Action. Applicants respectfully disagree. It is noted that the revised Abstract submitted with the Preliminary Amendment filed

February 28, 2006 fully complies with US practice. It should be noted this Abstract does not contain the objected terminology. Nonetheless, Applicants are resubmitting this previously submitted Abstract with the current response.

The drawings were objected for not including a reference (3) for the reason in item 1 on page 2 of the Office Action. The present amendment overcomes this concern by correcting an inadvertent error. In particular, Applicants have amended the specification to substitute "(3)" or "3" in reference to the tubes with "(3s,3r)". The claims have also been amended to remove reference numerals as such are not needed in US practice. Thus, based on this amendment, there is no need for replacement drawings.

For these reasons, it is believed that the present amendment overcomes the above-noted objections. Thus, withdrawal of the above objections is solicited.

III. INDEFINITENESS REJECTION

Claims 1-4 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons on page 3 of the Office Action.

This rejection is respectfully traversed.

In reply to (a), the claims have been amended to better define the structural elements more clearly and distinctively in a non-narrowing manner.

In reply to (b), claim 1 has been amended to clarify that the term "a successive sector" refers to the successive one of said plurality of sectors.

In reply to (c), the claims have been amended to remove the term "of the known type."

The claims are thus clear, definite and have full antecedent basis.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

IV. PRIOR ART REJECTIONS

Claim 1 was rejected under 35 U.S.C. § 102(a) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Applicants' Disclosure of Admitted Prior Art, Sephton (US 6,309,513) or GB 686,375 for the reasons on page 4 of the Office Action. Claims 2-4 were similarly rejected under 35 U.S.C. § 103(a) as obvious over Applicants' Disclosure of Admitted Prior Art, Sephton (US 6,309,513) or GB 686,375 for the reasons on page 5 of the Office Action.

These rejections are respectfully traversed as applied to the amended claims.

Applicants believe that claim 1 as amended is novel and non-obvious over all of the cited references, as the references fail to disclose or suggest the following distinguishing feature of: "at least one heat exchanger (7) arranged externally of the

evaporator (1) and divided into a plurality of sectors (7a, 7b, 7c) in each of which sectors the tomato juice exiting from a sector of tubes (3a, 3b, 3c) of the evaporator (1) is heated to a same temperature as a temperature present in the central part (1a) of the evaporator (1), before being sent on to a successive sector" of claim 1.

Amended claim 1 is also non-obvious over the cited references. GB 686,375 is the closest reference as it discloses a plant according to the preamble of amended claim 1.

However, claim 1 as amended differs from GB 686 375 based on the distinguishing feature mentioned above. The technical effect due to the presence of this distinguishing feature is set forth on page 7, line 27 and page 8, lines 1-10 of the instant disclosure. At this location, it is indicated:

"The heating of the juice in the passage from one tube sector to the following one, done by means of a heat exchanger external of the evaporator 1, enables an exact determination of the temperature of the juice entering the various tube sectors, which in the prior art plants is not easily obtainable as they pass the juice only through the return tubes internal of the evaporator 1. During the descent of the juice in the descent tubes, the production of steam by evaporation is precisely controllable and is sufficient to guarantee both correct descent of the juice along the tubes and a desired consistency of the product on the internal wall of the tubes. In this way, even with dense juices rich in sugars and/or fibres, like tomato juice, the concentration plant will function well and can be easily and precisely regulated".

The technical problem solved by the plant according to amended claim 1 can be stated as providing this technical effect, that is to provide a plant in which, during the descent of the juice in the descent tubes, the production of steam by evaporation is precisely controllable and is sufficient to guarantee both correct descent of the juice along the tubes and a desired consistency of the product on the internal wall of the tubes.

None of the cited prior documents provide any disclosure or give any suggestion that could lead the skilled person facing the above stated technical problem to the solution of amended claim 1.

In particular, document GB 686 375, at page 2, lines 23-26, says that "the supply of orange juice which is caused to flow downwardly through these tubes is brought to the top of each evaporator by means of a pipe 21". However, such disclosure does not give any suggestion to the possibility of heating the juice during this passage. Neither document gives any suggestion to this possibility.

For these reasons, the cited references cannot anticipate or render obvious independent claim 1. Thus, claim 1 and all claims dependent thereon are novel and unobvious over the cited references.

Therefore, Applicants respectfully submit that the above-noted prior art rejections are untenable and should be withdrawn.

V. CONCLUSION

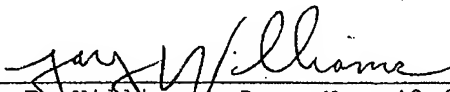
In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON


Jay F. Williams, Reg. No. 48,036
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JFW/jr

APPENDIX:

The Appendix includes the following item(s):

- substitute specification (clean and marked-up copies)
- revised Abstract of the Disclosure